

REMARKS

This Amendment is submitted in response to the Office Action dated December 5, 2006, having a shortened statutory period set to expire March 5, 2007. The present amendment proposes **cancelling** Claims 5 and 18 and **amending** Claims 1 and 15. Upon entry of the proposed amendments, Claims 1-4, 6-8, 10-17 and 19 will be currently pending.

Applicants' undersigned legal representative appreciates the time and courtesy extended by the Examiner during a January 24, 2007 teleconference. While no agreement was reached regarding the patentability of the independent Claims 1 and 15, an agreement was reached that the cited art of *Kraft, IV et al.* (U.S. Patent No. 6,931,130 – "*Kraft*") is not available as prior art under 35 U.S.C. § 103(c), since *Kraft* had IBM as a common assignee at the time of the present invention. An agreement was reached that the next communication from the Examiner will be a Non-Final Office Action, if not a Notice of Allowance. If Applicants' undersigned has misunderstood this agreement, a telephone call to the undersigned at **512.617.5533** would be greatly appreciated.

CLAIM OBJECTIONS

In paragraph 2 of the present Office Action, **Claim 15** is objected to for the extraneous "and" in the last element of the claim. Applicants appreciate the Examiner's notice of this typographical error, and now correct this error in the present amendment.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, second paragraph

In paragraph 4 of the present Office Action, the Examiner has rejected **Claims 5 and 18** for a contradictory element describing how a client computer uses a GPS signal, while the base claims state that the client computer must be unable to detect a GPS signal in accordance with the invention. Thus, Claims 5 and 18 are now cancelled to make this rejection moot.

REJECTIONS UNDER 35 U.S.C. §§ 102 and 103

In paragraph 5 of the present Office Action, Claims 1, 5, 15 and 18 are rejected under 35 U.S.C. § 102 as being anticipated by *Kyotoku* (USPAPub 2003/0110011 – “*Kyotoku*”). In paragraph 8 of the present Office Action, Claims 2-4, 8, 10-12, 16-17 and 19 are rejected under 35 U.S.C. § 103 as being obvious over *Kyotoku* in view of *Kraft, IV et al.* (U.S. Patent No. 6,931,130 – “*Kraft*”). Applicants respectfully traverse these rejections.

With regards to exemplary **Claim 1**, a combination of the cited art does not teach or suggest “downloading the first software only if the client computer does not receive information derived from a GPS signal,” as supported in the present specification as originally filed at paragraph [0025]. As stated in this paragraph, the “application will only run with the detection of a GPS signal” (detected by a GPS receiver) “or analogous enterprise-generated location signal” (such as that provided by a LAN).

Kyotoku teaches two manners in which a client computer can receive a GPS signal in a “clean room,” which is cited by the Examiner. In paragraph [0042], *Kyotoku* teaches that “a GPS antenna is...extended...to the outside where it can receive an electronic wave.” In paragraph [0072], *Kyotoku* teaches that the GPS signal can be received from a “LAN, without the interface for the GPS receiver 108 being embedded” in a computer.” In either scenario, it is clear that the computer contemplated by *Kyotoku* is able to receive “information derived from a GPS signal,” either directly via a GPS receiver or indirectly via a LAN.

Similarly, with respect to **Claim 15**, *Kyotoku* does not teach or suggest “downloading the first software only if a Global Positioning System (GPS) receiver on the computer does not detect a GPS signal.” That is, *Kyotoku* teaches that GPS receiver 108 in the computer always detects the GPS signal, whether the GPS receiver 108 is embedded in the computer (as taught in paragraph [0042]), or the GPS receiver 108 is not embedded in the computer, but is still coupled to the computer via a LAN (as taught in paragraph [0072]).

Furthermore, there is no teaching or suggestion that software is downloaded only if the computer cannot hear GPS information (“does not receive information derived from a GPS signal”). Rather, *Kyotoku* simply describes various means in which the location of the computer can be determined, but there is no teaching or suggestion of making a download of software dependent on the computer being unable to detect GPS information.

Thus, Applicants respectfully request that the Section 102 rejections be withdrawn.

With regards to the Section 103 rejection of **Claims 2-4, 8, 10-12, 16-17 and 19**, *Kraft* is not available as prior art under 35 U.S.C. 103(c), since it and the present patent application were commonly owned by IBM at the time of the invention, as evidenced on their faces. Thus, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

For reasons cited above, Applicants now respectfully request a Notice of Allowance for all pending claims.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.617.5533 if such would further or expedite the prosecution of the present Application.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 50-0563**.

Respectfully submitted,



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(12) United States Patent
Kraft, IV et al.**(10) Patent No.: US 6,931,130 B1**
(45) Date of Patent: Aug. 16, 2005

- (54) **DYNAMICALLY ADJUSTABLE SOFTWARE ENCRYPTION**
- (75) Inventors: **George Kraft, IV**, Austin, TX (US);
Richard Lee Verbarg, Austin, TX (US)
- (73) Assignee: **International Business Machines Corporation**, Armonk, NY (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(h) by 0 days.
- (21) Appl. No.: 09/414,333
- (22) Filed: **Oct. 7, 1999**
- (51) Int. Cl.⁷ **H04K 1/00**
- (52) U.S. CL. **380/258; 380/270; 380/59; 713/154; 713/162; 455/428; 455/429**
- (58) Field of Search **380/258, 270, 380/59; 713/154, 162; 455/428, 429**

(56) References Cited**U.S. PATENT DOCUMENTS**

- 5,651,068 A * 7/1997 Klemba et al. 713/159
- 5,732,349 A 3/1998 Sanpei et al.
- 6,470,447 B1 * 10/2002 Lambert et al. 713/151

FOREIGN PATENT DOCUMENTS

- EP 0 779 760 A1 6/1997
- EP 0 825 511 A2 2/1998
- GB 2 348 568 A 4/2000

WO WO 00/65768 A1 4/2000

WO WO 01/08435 A1 1/2001

* cited by examiner

Primary Examiner—Paul E Callahan*(74) Attorney, Agent, or Firm*—Joseph P. Lally; Casimer K. Sals; Bob Carwell**(57) ABSTRACT**

A method, system, and computer program product for dynamically adjusting the encryption level based on the geographic location of a software program are disclosed. The method includes an initial step of determining a geographic location associated with the software program. An encryption level is selected based upon the determined geographic location. The software program is then executed utilizing the selected encryption level. In one embodiment, determining the geographic location is achieved by determining the geographic location of a computer system on which the software program will be executed, preferably through the use of a Global Positioning System. The Global Positioning System may comprise an I/O device of the computer system on which the software executes. In one embodiment, the selected encryption level may be overridden by a Smart Card or other secure device connected to the computer system. In one embodiment, the available encryption levels include, at a minimum, a U.S. encryption level, a non-French European encryption level, and a French encryption level.

18 Claims, 2 Drawing Sheets